



IAI Rec'd PGT/PTO 29 DEC 2005

Atty. Dkt. No. 086671-0122

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Sean FROST et al.
Title: METHOD OF DIAGNOSING
OSTEOLYSIS
Appl. No.: 10/528,339
Filing Date: 3/18/2005
Examiner: Unassigned
Art Unit: Unassigned

**TRANSMITTAL OF MISSING PARTS
OF PATENT APPLICATION**

Mail Stop Missing Parts
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Sir:

In response to the Notification of Missing Requirements mailed September 6, 2005, in the above-identified patent application, transmitted herewith are the missing parts to complete the filing of the subject patent application.

Enclosed are:

- [X] Transmittal Letter to U.S. Designated Office including express request to begin national stage procedures;
- [X] Declaration and Power of Attorney (3 pages)
- [X] Return Copy of Notice to File Missing Parts
- [X] Preliminary Amendment

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

- ☐ Extension for response filed within the first month
☒ Extension for response filed within the second month
☐ Extension for response filed within the third month
☐ Extension for response filed within the fourth month
☐ Extension for response filed within the fifth month

The filing fee is calculated separately on the attached Transmittal Letter (form PTO-1390).:

	Number Filed	Included in Basic Fee	Extra	Rate	Fee Totals
Basic Filing Fee				\$300.00 =	\$300.00
Search Fee				\$500.00	\$500.00
Examination Fee				\$200.00	\$200.00
Size Fee	13	- 100	= 0	x \$250.00	\$0.00
Total Claims:	16	- 20	= 0	x \$50.00	\$0.00
Independents:	2	- 3	= 0	x \$200.00	\$0.00
If any Multiple Dependent Claim(s) present:			+	\$360.00	\$0.00
Surcharge under 37 CFR 1.16(e) for late filing of Executed Declaration or late payment of filing fee			+	\$130.00	\$130.00
				SUBTOTAL:	\$1130.00
<input type="checkbox"/> Small Entity Fees Apply (subtract ½ of above):					0
				TOTAL FILING FEE PAID PREVIOUSLY:	\$1130.00
Assignment Recordation Fee:			+	\$40.00	\$0.00
Processing Fee under 37 CFR 1.17(i) for Late Filing of English Translation of Application:			+	\$130.00	\$0.00
TOTAL FEE (see attached Form PTO-1390)					\$1030.00

☒ A check in the amount of \$450.00 to cover the extension fee is enclosed. The filing fee of \$1,030.00 was previously overpaid as indicated on the attached Form PTO-1390).

The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 19-0741. Should no proper payment be enclosed herewith, as by a

01/03/2006 GFREY1 00000146 105E8339

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450.00 UP

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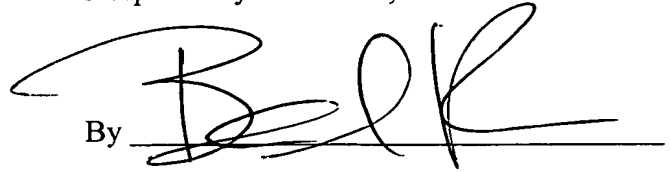
check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 19-0741.

Respectfully submitted,

Date December 29, 2005

FOLEY & LARDNER LLP
Customer Number: 22428
Telephone: (202) 672-5475
Facsimile: (202) 672-5399

By

A handwritten signature in black ink, appearing to read 'B. Burrous', written over a horizontal line.

Beth A. Burrous
Attorney for Applicant
Registration No. 35,087

TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371		ATTORNEY'S DOCKET NUMBER 086671-0122
INTERNATIONAL APPLICATION NO. PCT/CA2003/001360	INTERNATIONAL FILING DATE 9/18/2003	U.S. APPLICATION NO. (If known, see 37 C.F.R. 1.5) 10/528,339
TITLE OF INVENTION METHOD OF DIAGNOSING OSTEOLYSIS		PRIORITY DATE CLAIMED 9/18/2002
APPLICANT(S) FOR DO/EO/US Sean FROST et al.		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<ol style="list-style-type: none"> 1. <input type="checkbox"/> This is a FIRST submission of items concerning a filing under 35 U.S.C. 371. 2. <input checked="" type="checkbox"/> This is a SECOND or SUBSEQUENT submission of items concerning a filing under 35 U.S.C. 371. 3. <input checked="" type="checkbox"/> This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. 4. <input checked="" type="checkbox"/> The US has been elected (Article 31). 5. <input checked="" type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)) <ul style="list-style-type: none"> <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau). <input checked="" type="checkbox"/> has been communicated by the International Bureau. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US) 6. <input checked="" type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)). <ul style="list-style-type: none"> <input checked="" type="checkbox"/> is not required, International application filed in English. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4). 7. <input checked="" type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)) <ul style="list-style-type: none"> <input type="checkbox"/> are attached hereto (required only if not transmitted by the International Bureau). <input type="checkbox"/> have been communicated by the International Bureau. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired. <input checked="" type="checkbox"/> have not been made and will not be made. 8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)). 9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)). 10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)). 		
Items 11 to 20 below concern other document(s) or information included:		
<ol style="list-style-type: none"> 11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98. 12. <input type="checkbox"/> An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included. 13. <input checked="" type="checkbox"/> A preliminary amendment. 14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76. 15. <input type="checkbox"/> A substitute specification. 16. <input type="checkbox"/> A power of attorney and/or change of address letter. 17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821 – 1.825 18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4). 19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4). 20. <input type="checkbox"/> Other items or information: 		

U.S. APPLICATION NO. (If known, see 37 CFR. 1.5) 10/528,339		INTERNATIONAL APPLICATION NO. PCT/CA2003/001360		ATTORNEY'S DOCKET NUMBER 086671-0122	
The following fees have been submitted:					
21. <input checked="" type="checkbox"/> Basic national fee		\$300		\$	300.00
22. <input checked="" type="checkbox"/> Examination fee					
If International preliminary examination report prepared by USPTO and all claims satisfy provisions of PCT Article 33(1)-(4)		\$100		\$	200.00
All other situations		\$200			
23. <input checked="" type="checkbox"/> Search fee					
Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority		\$100			
International Search Report prepared and provided to the Office		\$400			
All other situations		\$500		\$	400.00
TOTAL OF ABOVE 21, 22 and 23 =				\$	900.00
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing or computer program listing filed in an electronic medium). The fee is \$ for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)		RATE	
13 - 100 = 0	/50 =	0		x \$250.00	\$ 0.00
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e))				\$	130.00
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total Claims	16 - 20 = 0		x \$	50.00	\$ 0.00
Independent Claims	2 - 3 = 0		x \$	200.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$	360.00	\$
TOTAL OF ABOVE CALCULATIONS =				\$	1030.00
<input type="checkbox"/> Applicant claims small entity status. See 37 CFR 1.27. Fees above are reduced by 1/2.				+	\$ 0.00
SUBTOTAL =				\$	1030.00
Processing fee of 130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(i)).				\$	
TOTAL NATIONAL FEE =				\$	1030.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). 40.00 per property				\$	
TOTAL FEES PAID PREVIOUSLY =				\$	1,130.00
				Amount to be refunded:	\$100.00
				charged:	
<p>a. <input checked="" type="checkbox"/> A check in the amount of \$1,130.00 was submitted on March 18, 2005, which represents an overpayment of the above fees in the amount of \$100.00. Refund of the \$100.00 overpayment, to be credited to Deposit Account 19-0741, is solicited.</p> <p>b. <input type="checkbox"/> Please charge my Deposit Account No. <u>19-0741</u> in the amount of _____ to cover the above fees. A duplicate copy of this sheet is enclosed.</p> <p>c. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. <u>19-0741</u>. A duplicate copy of this sheet is enclosed.</p> <p>d. <input type="checkbox"/> Fees are to be charge to a credit card. WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.</p> <p>NOTE: Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.137(a) or (b)) must be filed and granted to restore the International Application to pending status.</p>					
SEND ALL CORRESPONDENCE TO:					
Foley & Lardner LLP			SIGNATURE		
Customer Number: 22428			Beth A. Burrous		
			NAME		
			35,087		
			REGISTRATION NUMBER		



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
 United States Patent and Trademark Office
 Address: COMMISSIONER FOR PATENTS
 P.O. Box 1450
 Alexandria, Virginia 22313-1450
 www.uspto.gov

U.S. APPLICATION NUMBER NO.

10/528,339

FIRST NAMED APPLICANT

Sean Frost

ATTY. DOCKET NO.

086671-0122

INTERNATIONAL APPLICATION NO.

PCT/CA03/01360

I.A. FILING DATE

09/18/2003

PRIORITY DATE

09/18/2002

22428
 FOLEY AND LARDNER
 SUITE 500
 3000 K STREET NW
 WASHINGTON, DC 20007

CONFIRMATION NO. 5052

371 FORMALITIES LETTER

OC000000016937715

OC000000016937715

Date Mailed: 09/06/2005

NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 03/18/2005
- Copy of the International Search Report filed on 03/18/2005
- Information Disclosure Statements filed on 03/18/2005
- U.S. Basic National Fees filed on 03/18/2005
- Priority Documents filed on 03/18/2005
- Specification filed on 03/18/2005
- Claims filed on 03/18/2005
- Drawings filed on 03/18/2005

The applicant needs to satisfy supplemental fees problems indicated below.

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Additional claim fees of \$560 as a non-small entity, including any required multiple dependent claim fee, are required. Applicant must submit the additional claim fees or cancel the additional claims for which fees are due.
- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the international application number and international filing date.

SUMMARY OF FEES DUE:

Total additional fees required for this application is \$560 for a Large Entity:

- Total additional claim fee(s) for this application is \$ 560

- \$200 for 4 total claims over 20.
- \$360 for multiple dependent claim surcharge.

ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAYA L LEWIS BALTIMORE

Telephone: (703) 308-9140 EXT 202

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/528,339	PCT/CA03/01360	086671-0122